

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Administrative Law Judge John D. McLeod

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Opinion No. 2019-UP-104 (S.C. Ct. App. filed 3/13/19)  
Appellate Case No. 2016-001564

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Uuno Mattias Baum, # 272249

**RECEIVED**  
MAR 26 2019  
SC Court of Appeals  
APPELLANT,

v.

South Carolina Department of Corrections,

RESPONDENT.

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**PETITION FOR REHEARING**

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On March 13, 2019, this Court reversed the Administrative Law Judge’s conclusion that Appellant was not entitled to designate persons or entities to receive immediate distributions of his escrowed wages under S.C. Code § 24-3-40. Respondent respectfully petitions this Court for rehearing pursuant to SCACR, Rule 221(a), regarding the points overlooked and misapprehended, as discussed below.

In its opinion, this Court found the language in S.C. Code § 24-3-40 ambiguous and therefore construed subsections (A)(5) and (B)(2) together to “allow for *either* immediate distribution of an inmate’s escrowed wages to persons or entities of his choosing *or* inclusion of these assets in the distribution of his estate.” Respectfully, this Court overlooked that, as a whole, S.C. Code § 24-3-40(B) – the section dealing with the return of escrowed wages – makes

it clear that the escrowed funds are only available upon an inmate's **release**. (And of course, inmates serving life sentences are, generally, only "released" upon death.)

This Court also found that the "for the benefit of the prisoner" language in subsection (A)(5) means that an inmate serving a life sentence must receive the benefit of his escrowed wages during his lifetime. However, to the contrary, the "for the benefit of the prisoner" language does not state or imply that inmates are to receive an **immediate** benefit from their escrowed wages. In the context of section (A), this language simply distinguishes that the escrowed wages are not to be distributed to the other persons or entities discussed in that section (such as victims, children, or the State Treasurer), and instead are to remain in an interest-bearing account on behalf of the inmate. Additionally, by concluding that a plain reading of subsection (B)(2) is not compatible with (A)(5)'s intent that monies withheld from his wages are "for the benefit of the prisoner," this Court overlooked the reality that an inmate does, in fact, benefit by having monies available for distribution to family members or others upon his death.

### CONCLUSION

For the reasons set forth above, Respondent respectfully asks that this Court reconsider the case and reverse the ultimate outcome.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY: 

**CHRISTINA CATOE BIGELOW**

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**ATTORNEY FOR RESPONDENT**

March 26, 2019

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**CERTIFICATE OF SERVICE**

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Undersigned counsel hereby certifies that on today's date, she mailed a copy of the Respondent's **Petition for Rehearing** to Appellant via U.S. Mail addressed as follows:  
**Uno Mattias Baum, # 272249**, Lieber Correctional Institution, Post Office Box 205, Ridgeville, South Carolina, 29472.



**Christina Catoe Bigelow**  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
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March 26, 2019



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Safety, Service, and Stewardship*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

March 26, 2019

The Honorable Jenny A. Kitchings  
Clerk of Court, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Uuno Mattias Baum, # 272249, v. South Carolina Department of Corrections  
Appellate Case No. 2016-001564

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Respondent's **Petition for Rehearing**, along with a **Certificate of Service** for the same.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections

cc: Uuno Mattias Baum, # 272249  
Lieber Correctional Institution  
Post Office Box 205  
Ridgeville, South Carolina 29472